

Senate Bill 381

By: Senators Weber of the 40th, Unterman of the 45th, Schaefer of the 50th, Rogers of the 21st, Williams of the 19th and others

AS PASSED

AN ACT

To amend Chapter 10 of Title 31 of the Official Code of Georgia Annotated, relating to vital records, so as to change certain provisions relating to registration and certificates of birth; to provide for a short title; to provide for a definition; to provide for procedure; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

This Act shall be known and may be cited as the "No Heartbeat Act."

SECTION 2.

Chapter 10 of Title 31 of the Official Code of Georgia Annotated, relating to vital records, is amended in Code Section 31-10-1, relating to definitions, as follows:

"31-10-1.

As used in this chapter, the term:

- (1) 'Commissioner' means the commissioner of human resources.
- (2) 'Dead body' means a human body or such parts of such human body from the condition of which it reasonably may be concluded that death recently occurred.
- (3) 'Department' means the Department of Human Resources.
- (4) 'Fetal death' means death prior to the complete expulsion or extraction from its mother of a product of human conception, irrespective of the duration of pregnancy; the death is indicated by the fact that after such expulsion or extraction the fetus does not breathe or show any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles.
- (5) 'File' means the presentation of a vital record provided for in this chapter for registration by the State Office of Vital Records.

- (6) 'Final disposition' means the burial, interment, cremation, removal from the state, or other authorized disposition of a dead body or fetus.
- (7) 'Induced termination of pregnancy' means the purposeful interruption of pregnancy with the intention other than to produce a live-born infant or to remove a dead fetus and which does not result in a live birth.
- (8) 'Institution' means any establishment, public or private, which provides in-patient or out-patient medical, surgical, or diagnostic care or treatment or nursing, custodial, or domiciliary care, or to which persons are committed by law.
- (9) 'Live birth' means the complete expulsion or extraction from its mother of a product of human conception, irrespective of the duration of pregnancy, which, after such expulsion or extraction, breathes, or shows any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached.
- (10) 'Local custodian' means the person appointed by the state registrar to maintain and certify the local records of birth and death.
- (11) 'Local registrar' means the person appointed by the state registrar to collect and transmit to the department certificates of birth, death, fetal death, and any other reports required by this chapter.
- (12) 'Physician' means a person authorized or licensed to practice medicine or osteopathy pursuant to Chapter 34 of Title 43.
- (13) 'Registration' means the acceptance by the State Office of Vital Records and the incorporation of vital records provided for in this chapter into the vital records registration system.
- (14) 'Special abstracting agent' means the person appointed by the state registrar to examine and abstract evidence and submit such information to the department in order to file delayed certificates of birth or amend certificates of birth.
- (15) 'Spontaneous fetal death' means the expulsion or extraction of a product of human conception resulting in other than a live birth and which is not an induced termination of pregnancy.
- (16) 'State registrar' means the person responsible for the State Office of Vital Records and the state vital records registration system.
- (17) 'Stillbirth' or 'stillborn' means an unintended, intrauterine fetal death after a gestational age of not less than 20 completed weeks or of a fetus with a weight of 350 grams or more.

(18) 'Vital records' means certificates or reports of birth, death, marriage, divorce, dissolution of marriage, or annulment and data related thereto.

(19) 'Vital records registration system' means the registration, collection, preservation, amendment, and certification of vital records; the collection of other reports required by this chapter; and activities related thereto including the tabulation, analysis, and publication of vital statistics.

(20) 'Vital statistics' means the data derived from certificates and reports of birth, death, spontaneous fetal death, induced termination of pregnancy, marriage, divorce, dissolution of marriage, or annulment and related reports."

SECTION 3.

Said chapter is further amended by adding a new Code section to read as follows:

"31-10-33.

(a) For any stillborn child in this state, the State Office of Vital Records shall, within 60 days of a request by a parent named on a fetal death certificate or other eligible person as provided for in subsection (h) of this Code section, issue a certificate of birth resulting in stillbirth.

(b) The person who is required to file a fetal death certificate under Code Section 31-10-18 shall advise the parent of a stillborn child:

(1) That the parent may request the preparation of a certificate of birth resulting in stillbirth in addition to the fetal death certificate;

(2) That the parent may obtain a certificate of birth resulting in stillbirth by contacting the State Office of Vital Records;

(3) How the parent may contact the State Office of Vital Records to request a certificate of birth resulting in stillbirth; and

(4) That a copy of the original certificate of birth resulting in stillbirth is a document that is available as a vital record when held by the state registrar system.

(c) The request for a certificate of birth resulting in stillbirth shall be on a form prescribed by the state registrar pursuant to Code Section 31-10-7.

(d) The certificate of birth resulting in stillbirth shall contain:

(1) The date of the stillbirth;

(2) The county in which the stillbirth occurred;

(3) The name of the stillborn child as provided on the original or amended certificate of the fetal death certificate. If a name does not appear on the original or amended fetal death certificate and the requesting parent does not wish to provide a name, the State

Office of Vital Records shall fill in the certificate of birth resulting in stillbirth with the name 'baby boy' or 'baby girl' and the last name of the parents;

(4) The state file number of the corresponding fetal death certificate; and

(5) The following statement: 'This certificate is not proof of live birth.'

(e) The certificate of birth resulting in stillbirth shall also contain:

(1) Gender;

(2) Place of delivery;

(3) Residence of mother;

(4) The attendant at delivery;

(5) Gestational age at delivery;

(6) Weight at delivery;

(7) Mother's name;

(8) Father's name;

(9) Time of delivery; and

(10) Type of delivery, including but not limited to single, twin, or triplet.

(f) A certificate of birth resulting in stillbirth shall be a vital record when held by the state registrar system. The State Office of Vital Records shall inform any parent who requests a certificate of birth resulting in stillbirth that a copy of the document is available as a vital record.

(g) A parent may request that the State Office of Vital Records issue a certificate of birth resulting in stillbirth regardless of the date on which the certificate of fetal death was issued.

(h) Those individuals who are entitled to request a certificate of birth resulting in stillbirth are:

(1) Either parent of the stillborn child listed on the vital record;

(2) A grandparent of the stillborn child;

(3) An adult brother or sister of the stillborn child;

(4) A legal representative of the parent; and

(5) A court of competent jurisdiction.

(i) The State Office of Vital Records shall not use a certificate of birth resulting in stillbirth to calculate live birth statistics.

(j) This Code section shall not be used to establish, bring, or support a civil cause of action seeking damages against any person or entity for bodily injury, personal injury, or wrongful death for a stillbirth.

(k) The state registrar shall prescribe by rules pursuant to Code Section 31-10-5 the form, content, and process for the certificate of birth resulting in stillbirth."

SECTION 4.

This Act shall become effective July 1, 2008.

SECTION 5.

All laws and parts of laws in conflict with this Act are repealed.